

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IRON THUNDERHORSE,	§
(TDCJ-CID #624391)	§
Plaintiff,	§
	§
vs.	§ CIVIL ACTION H-06-3450
	§
TDCJ-CID DIRECTOR'S	§
REVIEW COMMITTEE, <i>et al.</i> ,	§
	§
Defendants.	§

MEMORANDUM AND OPINION

Plaintiff, a state prisoner proceeding *pro se*, brings this action against eight Texas prison officials who reside in Polk County, Texas. He also sues the TDCJ-CID Director's Review Committee, which is located in Walker County, Texas.¹ Plaintiff sues prison officials for violations of civil rights which occurred at the Polunsky Unit, where he is confined and which is located in Polk County, Texas.

¹ It appears that the only defendant located within the Southern District of Texas is an instrumentality of the State of Texas and incapable of being sued. *Aguilar v. Texas Dept. of Criminal Justice*, 160 F.3d 1052, 1054 (5th Cir. 1998)(finding that as an instrumentality of the state, TDCJ-ID is immune from inmate's suit on Eleventh Amendment grounds). Following transfer, the United States District Court for the Eastern District of Texas can determine whether prompt dismissal of the Director's Review Committee is appropriate or whether it would be necessary to retain this entity as a defendant.

Accordingly, in the interest of justice and for the convenience of the parties and witnesses, it is hereby ORDERED that this case be TRANSFERRED to the United States District Court for the Eastern District of Texas, Lufkin Division. 28 U.S.C. §§ 1391, 1404(a).

SIGNED on November 7, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge